

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA
Plaintiff

v.

Cr. No. M-23-0350

PEDRO CRUZ ALMEIDA
Defendant

**JOINT MOTION TO UNSEAL HEARING FOR
TRANSCRIPTION PURPOSES AND
MAKE AVAILABLE TO THE PARTIES**

Defendant Pedro Cruz Almeida and Plaintiff United States of America respectfully move this Honorable Court to unseal the sealed bench conference portion of the hearing held on August 31, 2023, so that it may be transcribed and viewed by all parties. The transcript will remain sealed.

I.

On September 11, 2023, Mr. Almeida filed a notice of appeal in this case, and his counsel duly ordered and designated the record on appeal. The bench conference portion of the hearing held on August 31, 2023, in this case was sealed by the Court and thus cannot be transcribed and produced to counsel. The transcript of this hearing cannot be prepared until an order unsealing that hearing is entered. Because counsel for Mr. Almeida cannot prepare

Mr. Almeida's appellate brief without reviewing the record on appeal and, in fact, has a duty to review the record on appeal, *see Anders v. California*, 386 U.S. 738 (1967), Mr. Almeida requests that the Court unseal the bench conference portion of the hearing held on August 31, 2023, to permit transcription and to allow counsel to view the transcript of it.

II.

The government was consulted about this motion, is unopposed, and joins the motion.

WHEREFORE, Defendant Pedro Cruz Almeida and Plaintiff United States of America respectfully request that this Honorable Court unseal the bench conference portion of the hearing held on August 31, 2023, so that it can be transcribed and viewed by the parties. The transcript will remain sealed.

Respectfully submitted,

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CERTIFICATE OF SERVICE

All parties required to be served with copies of this document have been so served by filing via the Southern District of Texas ECF filing system.

s/ Michael Herman
MICHAEL HERMAN

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
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UNITED STATES OF AMERICA

v.

Cr. No. M-23-0350

PEDRO CRUZ ALMEIDA

ORDER

Defendant's unopposed motion to unseal and transcribe the sealed bench conference at the sentencing hearing held on August 31, 2023 in order for both parties to review the transcription for appellate purposes only is GRANTED.

It, therefore, is ORDERED that the Clerk of this Court shall unseal the sealed bench conference held on August 31, 2023 for purposes of transcription for appeal only for viewing by both appellate counsel for the government and defendant. The bench conference and the transcription thereof shall remain sealed for all other purposes.

SIGNED in Texas, on this ____ day of _____, 2023

UNITED STATES DISTRICT COURT JUDGE